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| 10/723,222 | 03/25/2004 | Kenneth J. Cool | P1718US01 | 9189 |
| 32709 | 7590 | 08/14/2007 | EXAMINER | |
| Gateway Inc Patent Attorney PO Box 2000 N. Sioux City, SD 57049 | | | RAMAKRISHNAIAH, MELUR | |
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

| | | | |
|------------------------------|---|---|--|
| Office Action Summary | Application No. 10/723,222 | Applicant(s) COOL, KENNETH J. | |
| | Examiner Melur Ramakrishnaiah | Art Unit 2614 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 25 March 2004.
 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-30 is/are pending in the application.
 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
 5) ☐ Claim(s) _____ is/are allowed.
 6) ☒ Claim(s) 1-4, 6-14 and 16-30 is/are rejected.
 7) ☐ Claim(s) 5, 15 is/are objected to.
 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) ☐ All b) ☐ Some * c) ☐ None of:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-3, 10, 12, 13, 20, 21, 22-23, 27, 29, are rejected under 35 U.S.C 102(e) as being anticipated by Allen et al. (US2003/0041332A1, filed 8-21-2001, hereinafter Allen).

Regarding claim 1, Allen discloses a system for providing uninterrupted viewing of a real-time program during a telephone call from a caller (403, figs. 4-5) to a user (405, figs. 4-5), the system comprising: a display (104, figs. 4-5) capable of displaying caller identification information as shown in fig. 9 upon the receipt of the call (paragraph: 0102), a controller (in STB 102a, figs. 4-5) capable of detecting acceptance of the call by the user, a buffer (310, figs. 4-6, 8) coupled to the controller, wherein the buffer is capable of buffering the real time program from the acceptance of the call and providing buffered program to the user upon termination of the call until buffered program coincides with real time program (paragraphs: 0069 – 0076; 0080 – 0083; 0091-0092).

Regarding claims 2-3, Allen further teaches the following: the display (104, figs. 405) is coupled to the buffer (310, figs. 4-5) and is further capable of displaying the

Art Unit: 2614

buffered program to the user, video display (104) coupled to the buffer, wherein display device is capable of displaying buffered program to the user (paragraphs: 0081 – 0083).

Regarding claim 10, Allen further teaches the following: a user input device for controlling viewing of the program and for accepting and terminating the call by the user (paragraphs: 0083; 0100).

Claims 12-13 are rejected on the same basis as claim 1.

Claim 20 is rejected on the same basis as claim 1.

Regarding claim 21, Allen discloses an integrated system for providing uninterrupted viewing of a real time program during a telephone call from a caller (403, figs. 4-5) to a user (405, figs. 4-5), the system comprising: a display (104, figs. 4-5) capable of displaying the program and caller identification information upon receipt of the call (fig. 9, paragraphs: 0102; 0106), a speaker (244, fig. 3) capable of providing audio output for the call, a microphone (242, fig. 3) capable of accepting audio signal for the call, a user input device (106, fig. 2) for controlling viewing of the program and for accepting and terminating the call by the user (paragraphs: 0049 – 0050), a controller (312, fig. 3) capable of detecting acceptance and termination of the call by the user (paragraphs: 0065; 0077; 0081 and fig. 9), a buffer (310, figs. 3-5) coupled to the controller (fig. 3), wherein the buffer is capable of buffering the real time program from the acceptance of the call and providing buffered program to the display upon the termination of the call until the buffered program coincides with the real time program (paragraphs: 0069 – 0076; 0080 – 0083; 0091-0092).

Regarding claim 22, Allen discloses apparatus, comprising: means (104, figs. 4-5) for displaying video signal, means (310, figs. 3-5) for recording video input signal, and means (802, fig. 8) for detecting an incoming call, in the event the detecting means detects an incoming phone call, the recording means being capable of recording the video input signal during the phone call, the displaying means being capable of displaying the recorded video input signal to a user upon termination of the call (paragraphs: 0069 – 0076; 0080 – 0083; 0091-0092).

Regarding claim 23, Allen further teaches the following: receiving means a structure selected from the group consisting of a set top box, a computer system, a satellite receiver, television, etc (figs. 4, 8).

Regarding claims 27, 29, Allen further teaches the following: detecting means further comprises means for displaying caller identification data from the incoming phone call to assist the user in selecting whether to answer the incoming phone call (fig. 9, paragraph: 0102).

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claim 24 is rejected under 35 U.S.C. 103(a) as being unpatentable over Allen.

Allen differs from claim 24 in that although he discloses receiving means (102a, figs. 4-5, 8) for buffering the television signal upon the detection of the call or

Art Unit: 2614

acceptance of the call (paragraphs: 0074 – 0075), he does not specifically teach: recording of the video signal at a time selected from the group consisting: upon detecting a ring signal from the incoming telephone call, upon detecting caller identification data from the incoming telephone call, upon detecting off-hook signal from the incoming phone call, upon displaying caller identification data from the incoming telephone call etc. However, it would have been obvious to one of ordinary skill in the art at the time invention was made to modify Allen system to provide for: recording of the video signal at a time selected from the group consisting: upon detecting a ring signal from the incoming telephone call, upon detecting caller identification data from the incoming telephone call, upon detecting off-hook signal from the incoming phone call, upon displaying caller identification data from the incoming telephone call etc as this arrangement would provide to include different scenarios under which buffering of video signal can begin to satisfy user needs.

5. Claims 4, 6, 8, 14, 16, 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Allen in view of Johanson et al. (US PAT: 6,215,860, hereinafter Johanson).

Allen differs from claims 4, 6, 8 in that he does not specifically teach: memory capable of storing data about the call, the data including at least one of caller identification and length of the call, capable of storing caller list, the caller list being generated based on the stored data about the call.

However, Johanson discloses elastic buffer for data storage with speech data which teaches: memory capable of storing data about the call, the data including at

Art Unit: 2614

least one of caller identification and length of the call, capable of storing caller list, the caller list being generated based on the stored data about the call (col. 2, line 58 – col. 3, line 2).

Thus, it would have been obvious to one of ordinary skill in the art at the time invention was made to modify Allen's system to provide for the following: memory capable of storing data about the call, the data including at least one of caller identification and length of the call, capable of storing caller list, the caller list being generated based on the stored data about the call as this arrangement would provide means for storing caller data and displaying it based on stored data so that user can grasp the caller information when calls are received thus facilitating the user.

Claims 14, 16, and 18 are rejected on the same basis as claims 4, 6, and 8.

6. Claims 7, 9, 17, 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Allen in view of Johanson as applied to claim 6 above, and further in view of Bell et al. (US PAT: 6,549,619, filed 12-1-1999, hereinafter Bell).

The combination differs from claims 7, 9 in that he does not teach: the caller is included in the caller list if the stored data about the call indicates that at least a predetermined percentage of the caller's calls were accepted by the caller, controller capable of automatically accepting the call if the caller is included in the caller list.

However, Bell discloses method for screening calls which teaches: the caller is included in the caller list if the stored data about the call indicates that at least a predetermined percentage of the caller's calls were accepted by the caller (col. 5, line

59 – col. 6, line 6), controller capable of automatically accepting the call if the caller is included in the caller list (abstract).

Thus, it would have been obvious to one of ordinary skill in the art at the time invention was made to modify the combination to provide for the following: the caller is included in the caller list if the stored data about the call indicates that at least a predetermined percentage of the caller's calls were accepted by the caller, controller capable of automatically accepting the call if the caller is included in the caller list as this arrangement would facilitate the user to call screening so that undesired calls are screened as taught by Bell.

Claims 17, 19 are rejected on the same basis as claims 7, 9.

7. Claims 25-26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Allen in view of Brunelle et al. (US 2002/0172330A1, hereinafter Brunelle).

Allen differs from claims 25-26 in that he does not specifically teach: means for allowing a voicemail system to handle the incoming phone call in the event the user does not answer the incoming phone call, means for allowing voicemail system to handle incoming phone call in the event user does not answer the incoming phone call, the voicemail system being disposed in a location selected from the group consisting of: integrated within recording means, and external to the recording system.

However, Brunelle discloses method and apparatus for managing calls through an entertainment center which teaches: means for allowing a voicemail system to handle the incoming phone call in the event the user does not answer the incoming phone call, means for allowing voicemail system to handle incoming phone call in the

Art Unit: 2614

event user does not answer the incoming phone call, the voicemail system being disposed in a location selected from the group consisting of: integrated within recording means, and external to the recording system (figs. 1-2, paragraphs: 0031, 0033).

Thus, it would have been obvious to one of ordinary skill in the art at the time invention was made to modify Allen's system to provide for the following: means for allowing a voicemail system to handle the incoming phone call in the event the user does not answer the incoming phone call, means for allowing voicemail system to handle incoming phone call in the event user does not answer the incoming phone call, the voicemail system being disposed in a location selected from the group consisting of: integrated within recording means, and external to the recording system as this arrangement would provide the user with call handling options while he is watching television as taught by Brunelle, thus providing flexibility for handling calls.

8. Claims 28 and 30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Allen in view of Lagoni et al. (US PAT: 6,141,058, hereinafter Lagoni).

Allen differs from claims 28 and 30 in that he does not specifically teach: detecting means for displaying caller identification data from the incoming phone call when the caller identification data matches a predetermined list, the caller identification data displaying means otherwise not displaying the caller identification data, displaying means capable of displaying caller identification data from the incoming phone call when the caller identification data matches a predetermined list, the caller identification data displaying means otherwise not displaying the caller identification data.

However, Lagoni discloses television receiver having a user editable telephone system caller id feature which teaches: detecting means for displaying caller identification data from the incoming phone call when the caller identification data matches a predetermined list, the caller identification data displaying means otherwise not displaying the caller identification data, displaying means capable of displaying caller identification data from the incoming phone call when the caller identification data matches a predetermined list, the caller identification data displaying means otherwise not displaying the caller identification data (abstract; col. 1, line 66 – col. 2, line 16).

Thus, it would have been obvious to one of ordinary skill in the art at the time invention was made to modify Allen's system to provide for the following: detecting means for displaying caller identification data from the incoming phone call when the caller identification data matches a predetermined list, the caller identification data displaying means otherwise not displaying the caller identification data, displaying means capable of displaying caller identification data from the incoming phone call when the caller identification data matches a predetermined list, the caller identification data displaying means otherwise not displaying the caller identification data as this arrangement would provide user with means for discriminating important calls while watching television so that user can handle important calls as taught by Lagoni.

9. Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over Allen in view of Corbett (US PAT: 6,061,434).

Allen differs from claim 11 in that he does not specifically teach: controller is capable of automatically muting audio associated with the program upon acceptance of the call by the user.

However, Corbett discloses video caller identification system and method which teaches: controller is capable of automatically muting audio associated with the program upon acceptance of the call by the user (fig. 6 col. 7 lines 41-48).

Thus, it would have been obvious to one of ordinary skill in the art at the time invention was made to modify Allen's system to provide for the following: controller is capable of automatically muting audio associated with the program upon acceptance of the call by the user as this arrangement would facilitate to have a more desirable telephone call as taught by Corbett.

10. Claims 5 and 15 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

11. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

--(5,706,388) to Isaka discloses recording television program when user receives a telephone call and start reproducing it after the telephone call ended.

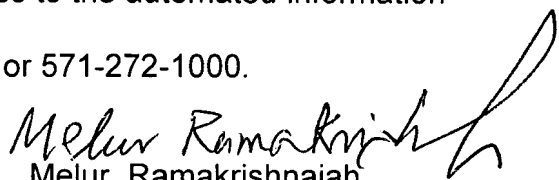
--(6,259,441) to Ahmad et al. discloses a system to watch the television program at an accelerated speed until the display of program catches up to the broadcast of the program.

Art Unit: 2614

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Melur Ramakrishnaiah whose telephone number is (571)272-8098. The examiner can normally be reached on 9 Hr schedule.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Curt Kuntz can be reached on (571) 272-7499. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


Melur Ramakrishnaiah
Primary Examiner
Art Unit 2614